YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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# THE LAWS OF SHABBAT

# By Rav Yosef Zvi Rimon

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Dedicated by the Wise and Etshalom families
in memory of Rabbi Aaron M. Wise,
whose yahrzeit is 21 Tamuz. Y'hi Zikhro Barukh.

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Shiur #36:

*Me’ammer*, Part II

II) Joining Items into One Mass

In our previous *shiur*, we explored the principles of the *melakha* of *me’ammer.* In its classic form, the act of *immur* involves gathering detached *giddulei karka* (items which grow from the ground) from their *mekom giddul* (place of growth). However, the *melakha* may encompass more than this. May one also become liable outside the *mekom giddul*?

This question is more complex than it may appear. The Rambam (8:6) rules:

Gathering figs and making a ring of them or perforating figs and stringing them together falls under a subcategory of *me’ammer* and renders one liable. The same applies to every act like this.

In other words, if a person gathers figs and attaches them with a string, transforming them into one unit, one is liable because of *me’ammer*.The Rambam notes that this is a subcategory (*tolada*) — but a *tolada* is forbidden by Torah law just like as a primary *melakha*.The simple meaning of the words of the Rambam is that even though the figs are not being gathered in their *mekom giddul*, one is liable because of *me’ammer*.

There are those who understand that the Rambam argues with the *Rishonim* mentioned in the previous *shiur* and holds that the prohibition of *me’ammer* applies even outside the *mekom giddul* (Ohel Mo’ed, *Shaar ha-Shabbat, Derekh Revi’i,* 6; Eglei Tal, *Me’ammer*, 2).The Shulchan Arukh (340:9) rules that the prohibition of *me’ammer* applies only in the *mekom giddul*; nevertheless, he cites the Rambam, prohibiting the fig rings, implying that this action is prohibited even where *me’ammer* is permitted.

It may be that the Rambam believes that one is exempt for performing actions of collection in the house that are normally done in the field; however, making a ring of figs is done sometimes in the house and not in the field, and therefore one is liable for it also in the house.This is how the Mishna Berura (340:38) explains in the name of the Maaseh Rokeiach.

However, the words of the Rambam (21:11) indicate that this law does not apply only to figs; any joining of a number of fruits as one mass is forbidden because of *me’ammer*, even if this is done in the house.

Based on this reading, several *Acharonim* have written that the ***Rambam*** differentiates between two types of *immur*: **gathering fruits into a heap,** whichis forbidden only if it is done in the *mekom giddul*, while **joining fruits into one mass** is forbidden regardless of where it is done.[[1]](#footnote-1) So, for example, the Shulchan Arukh Ha-Rav writes (340:15):

*Immur* applies only in the *mekom giddul*; for example, the stalks of reaped grain are bundled into sheaves in the place where they grow… Similarly, one who collects fruits gathers them together in the place where they land when they fall from the tree.However, if they are scattered in another place, it is permissible to gather them…

There are those who say that one who joins fruits together until they becomes one mass is liable because of *me’ammer* even outside their *mekom giddul*. For example, gathering figs and pressing them together in a ring or perforating and stringing them together in one mass constitutes a *tolada* of *me’ammer*, and one is liable for it.

The Nishmat Adam (13:1) writes the same lines.

What would the logic be to differentiate between gathering fruit into a heap and joining them to each other? This distinction can be understood in light of our explanation above.As we have seen, the gathering of produce outside its *mekom giddul* is not forbidden, since this act is not one of creation or improvement.Raising a heap in the *mekom giddul* is considered a significant act, since it completes the *melakha* of *ketzira* and imparts meaning to it, while raising a heap in another place is merely moving fruits from one place to another: there is no improvement or alteration of the fruits.However, when a person takes a number of figs and makes a necklace, this is **the creation of a new entity**, and this is an important and significant act,[[2]](#footnote-2) even if it is not done at the *mekom giddul*.[[3]](#footnote-3)

If so, the primary *melakha* of *me’ammer* is the **completion of the *ketzira*** by gathering the produce which has been severed from the ground into one heap, while the ***tolada*** of this *melakha* is joining produce together into one mass in a way which **creates a new entity**, even if the produce is no longer located in the place where it grew.

While joining fruits together into one mass is forbidden even outside their *mekom giddul*, not every binding — and not even every binding of produce — would be considered *me’ammer*.The other limitations of the *melakha* of *me’ammer* apply also to this act: the prohibition to join items applies only to *giddulei karka*, and only if they have not undergone any processing or alteration.It is clear that the prohibition of *me’ammer* is not applicable to joining pieces of paper together or joining pieces of cheese together, to putting together a salad of little pieces of vegetables or preparing dough.In terms of these acts, there are issues of *boneh* (building) and *lash* (kneading), but the *melakha* of *me’ammer* is certainly not applicable, since it does not relate to anything other than unprocessed *giddulei karka*.(See Shevitat ha-Shabbat, *Me’ammer*, *Be’er Rechovot*, 9.Also see Ketzot ha-Shulchan, Ch.146; *Baddei ha-Shulchan* 49:24.)

**MAKING A NECKLACE**

In light of the Rambam, one cannot take dried fruit and run a string through it, making a necklace.The Shevitat ha-Shabbat (*Me’ammer* 5) adds that it may be that it is also forbidden to make a necklace from gems, since they are considered *giddulei karka*.On the other hand, making a necklace out of non-*giddulei karka*, e.g., candies, beads and the like, is not forbidden.Clearly one cannot make a real, permanent necklace on Shabbat or fix a necklace which has broken, because this is a problem of *tikkun keli*, fixing (i.e., either repairing or creating) a utensil (Ketzot ha-Shulchan, Ch.146; *Baddei ha-Shulchan* 49:25), however there is no prohibition to create a temporary necklace for children, as long as one ties the string in a way that avoids problems of the *melakha* of *kosheir* (knotting).

To summarize, it is forbidden by Torah law to gather grain, fruits or vegetables in the field in one place, even if one does not tie or stick them to each other (e.g., collecting fruit in a basket or box[[4]](#footnote-4)). It is also forbidden by Torah law to join figs and the like together on a string or to press a number of fruits together — even **in the house**.However, if one gathers scattered fruit in the house, there is no Torah prohibition in this, even if one puts them in a vessel.Below, we will analyze the issue of whether a rabbinic ban applies to such a case.

III) Gathering Scattered Produce at Home

As we have seen, there is no problem, by Torah law, of collecting produce scattered inside the house or in the courtyard.However, the Gemara (143b) does indicate that, at times, there may be a rabbinic prohibition in doing so:

Our Rabbis taught: “If one's produce is scattered in the courtyard, one may collect a bit each time and eat it, but one may not use a basket or a box, so that one will not act in the way which one does during the week.”

If so, one may gather scattered fruits in the courtyard one-by-one (the Gemara’s term is, *“al yad al yad*”, a term we encountered in our series on *lash*) and eat each fruit, but one may not gather them all into one vessel.What is the reason for the prohibition?

The Rambam (21:11) writes that the prohibition stems from a concern that one may come to violate *me’ammer*:

One who joins fruits together until they become one mass is liable because of *me’ammer*. Therefore, one who has fruits scattered in the courtyard may collect a bit each time and eat it. However, one may not put it in a basket or box as one does on a weekday, because if one does it in the way of the weekday, **one may come to press them in one’s hand and perform *immur***.

According to this, one who joins fruits together until they become one mass is liable because of *me’ammer*, even if one does not do so in the *mekom giddul*, as we have seen above; therefore the Sages made a decree about the collection of fruits into one vessel as well, lest one come to stick them together and violate *me’ammer*.

However, the Maggid Mishneh (ad loc.) questions this explanation of the Rambam; the concern that a person collecting fruit will come to press them together seems quite farfetched.Indeed, most of the *Rishonim* explain the prohibition in other ways.The Ramban (*Shabbat* 143b) states that the prohibition applies solely when the fruits fall into dirt, as their collection has the appearance of *borer* (which, in its classic form, involves picking out dirt and pebbles from grain):

It appears that we are talking about their being scattered in a place of dirt and pebbles, and one may not collect them and put them in a basket because it looks like *borer*… For this reason, the text in the Gemara reads “in the courtyard,” not in the house, because a regular courtyard has dust and pebbles and presents a problem of *borer*, which is not true in a house, which is swept out every day.

On this approach, even when the Torah prohibition of *borer* is not applicable (e.g., the fruits are large and are not considered to be mixed in with the dirt, or one wants them to eat immediately), the separation of fruits from dirt looks like *borer* and is rabbinically forbidden.The Ramban adds that the Gemara speaks specifically about fruits being scattered “in the courtyard,” not in the house, because in the house, generally speaking, there is little dirt.

Another explanation is cited by the Rashba (ad loc.) in the name of Rabbeinu Yona:

“If one's produce is scattered in the courtyard, one may collect a bit each time and eat it, but one may not use a basket or a box” — my teacher the master wrote in his laws that this is in a case in which they were scattered in the courtyard, one here and one there; however, in one place, one may collect in the basket…

In other words, the prohibition applies only when the fruits are very scattered and distant from each other, so that there is a great inconvenience (*tircha*) in their gathering. In such a case, the aspect of *uvdin de-chol* (weekday practice) becomes significant; however, when the fruits are not dispersed to such a great extent, there is no prohibition to collect them.

The ruling of the Shulchan Arukh (335:5) combines the view of the Ramban and the view of the Rabbeinu Yona:

If produce is scattered in the courtyard, one here and one there, one must collect bit-by-bit and eat, and one must not put it in a basket or in a box.If they fall in one place, one may even put them in the basket, unless they have fallen into pebbles or dirt in the courtyard, because then one must collect one-by-one and eat, and one must not put it in a basket or in a box.

In other words, one may not collect fruits which are scattered in the courtyard over a great area, following the view of Rabbeinu Yona; in addition, one may not pick fruits which have become mixed in the dirt, as the Ramban says. However, if fruits are scattered in one place and not mixed with dirt, there is no prohibition to gather them into a vessel, and we do not take into account the view of the Rambam that there may be an issue of *me’ammer*.

According to this, **when fruits are scattered inside the house, there is no problem to gather them,** assuming they are scattered in one room, not in a large area.This is the implication of the Mishna Berura (340:37), who seeks to explain why the *Shulchan Arukh* (340:9) describes collecting items in their *mekom giddul* as “forbidden” (a term usually employed for rabbinic prohibitions) instead of noting that one is “liable” for the act (the term used for Torah prohibitions):

The reason that the Shulchan Arukh uses the terminology of “forbidden” is to indicate that when they are not in their *mekom giddul*, e.g., fruits scattered in the house, there is not even a [rabbinic] prohibition to gather them together.

Indeed,if the produce is scattered in the house over a large area, there is a problem to gather them normally.In this case, if the produce disrupts the order and cleanliness of the house, it appears that it is possible **to gather it with a squeegee or a broom.**In this case, the gathering is not done for the produce, but in order to clean the house, and there is no reason to forbid it.After the fruits have been gathered and centralized in one place, it would be permissible to gather them together into a vessel, since now they are no longer scattered.

**COLLECTING CANDIES IN THE SYNAGOGUE**

In many communities, the custom is to shower a groom or bar mitzva boy with nuts, candies and the like after he is called up to the Torah on Shabbat. Some communities have a similar practice on Simchat Torah. As the treats are sometimes scattered over a large area, collecting them may raise an issue of *me’ammer*.Nevertheless, the Eliya Rabba (335:5) advocates allowing the practice:

On Simchat Torah, we are accustomed to scatter fruits, and the children collect them and put them in baskets and boxes; since we do it for joy, there is no objection.

In other words, the prohibition is essentially because of *tircha*, and since gathering the candies is part of the celebration, and children view it as a happy activity rather than a chore, there is no reason to forbid it.

**Therefore, one is allowed to collect candies or nuts which are thrown in the synagogue at a groom or bar mitzva boy**.

Conclusion

We may summarize the principles of the *melakha*, as we have seen them over the past two *shiurim*, as follows:

1. The Torah prohibition of *me’ammer* applies when one gathers grain, produce or various *giddulei karka* in their *mekom giddul* (field, orchard, garden, etc.), and this is the completion of the *melakha* of *ketzira*.
2. The Sages forbid gathering non-*giddulei karka* in their *mekom giddul* as well, because this seems like *me’ammer*.Therefore, it is rabbinically forbidden to gather salt from a salina and turn it into one mass or to gather eggs from the chicken coop.
3. In terms of the *melakha* of *me’ammer*, there is no prohibition to gather things which are scattered if they are no longer found in their *mekom giddul* or if they have been changed from their natural state — for example, by grinding or cooking.
4. It is forbidden by Torah law to take fruits and press them together into one mass, e.g., to string figs together or to gather them in one mass.This prohibition is the *tolada* of *me’ammer*; it extends beyond the *mekom giddul*, since there is the creation of a new entity.However, the prohibition relates only to *giddulei karka* in their natural state.
5. It is forbidden to make a necklace from gems or from other *giddulei karka*; however it is permissible to make a bead necklace for children out of non-*giddulei karka* or cooked sweets and the like, if it is done in a playful, non-professional way and the strings are tied in a permitted manner. If a regular necklace has come apart, one may not re-string the parts, even without tying the ends, because of *tikkun keli*.
6. There is a rabbinic prohibition to gather produce scattered over a great area in a yard or garden, since this raises issues of *tircha* and *uvdin de-chol*. However, one may gather the produce one-by-one and eat it.
7. One may gather produce which is scattered within the house.If the produce is scattered throughout a number of rooms, one must clean the house using a broom. Thus all of the fruits will be gathered in one place, and it will be allowed to gather them into a vessel.
8. It is permissible for children to gather candies or nuts which are thrown at a groom or a bar mitzva boy, and one need be concerned neither about *me’ammer* (because this is not their *mekom giddul*) nor about *tircha* (as this is joy for the children).

**The Prohibition of *Me’ammer***

**Gathering Separate Items into One Place**

***Mekom Giddul***

***Giddulei karka***

The prohibition of *me’ammer* exists only in the mekom giddul (**Rashi, Tosafot**, et al.) only in things which are still in their natural state (**Arukh ha-Shulchan**).

The primary *melakha* is defined as gathering *giddulei karka,* thereby completing and concluding the *melakha* of *ketzira.*

**Abbayei**:

Applies only to *giddulei karka*

**Rava**: Applies to non-*giddulei karka* as well

However, it is rabbinically forbidden to gather non-*giddulei karka* from their *mekom giddul*, since it looks like *me’ammer*; therefore salt and eggs may not be collected from the salina or coop respectively.

*Tolada*: One may not stick figs to each other (continued below)

The **Shulchan Arukh** rules accordingly

**Rambam**, **Rosh**

**Or Zarua**, **Me’iri**

But this is not in the *mekom giddul*?

*Tolada*: One may not stick figs to each other

The prohibition applies to all *giddulei karka*: gathering without an act of binding and attachment is forbidden only in the *mekom giddul*, and this is the primary *melakha* of *me’ammer*. Binding or gathering into one mass, which is a *tolada* of *me’ammer,* is forbidden by the Torah even outside the *mekom giddul* (**Shulchan Arukh Ha-Rav**, **Nishmat Adam**). The *tolada* is defined as creating a new identity of significance.

The prohibition applies specifically to figs and the like; it is common to process them in this way in the house, and therefore it is considered the conclusion of the *melakha* of picking them **(Ma’aseh Rokeiach, Mishna Berura).**

The prohibition apples only to unprocessed *giddulei karka*, and therefore one is allowed to prepare a string of beads from cooked fruits, as long as one does not tie the ends.One may not prepare a normal necklace, even without tying the ends, because of *tikkun keli.*

**Shabbat 143b:**

Our Rabbis taught: “If one's produce is scattered in the courtyard, one may collect a bit each time and eat it, but one may not use a basket or a box, so that one will not act in the way which one does during the week.”

**Rambam**: One may not collect the fruits lest one come to press them together and violate *me’ammer.*

**Ramban**: The fruits are mixed with dirt, so collecting them looks like *borer*.

**Rabbeinu Yona**: The fruits are spread over a vast area, and the prohibition is because of *tircha* and *uvdin de-chol.*

The **Shulchan Arukh** takes into account both of these views, and thus one may not collect fruits mixed with dirt or scattered over a great area.One may collect scattered fruits in the house, but if the matter involves great *tircha*, one should gather them with a broom while cleaning the house and afterwards put them in a vessel. One may gather nuts or candies thrown in the synagogue.

1. There are those who understand the view of the Rambam as follows: there is never any liability for the *melakha* of *me’ammer* unless one joins the fruit together as one mass.

Thus, for example, the Maharach Or Zarua writes (*Responsa*, Ch. 214): “*Me’ammer* — I do not know how to define it! Does it mean only gathering stalks together, even without tying them as one bundle — is that *me’ammer*? Or is it not *me’ammer* until one ties them together as one bundle? The language of *omer* seems to imply that it cannot be called an *omer* until it is tied… and this is what the language of the Rambam indicates… And according to this, if one gathers fruits together and does not make them into one mass, this is not *me’ammer*, and gathering eggs together is also not *immur*… As for Rava’s statement, ‘One who collects salt out of a salina is liable because of *me’ammer,’* I believe that the way is to gather salt from where the water evaporates and then press it together so that it forms one piece; it may be that even without pressure, just by piling a large quantity together, it becomes one piece.”

Indeed, the simple meaning of the Rambam’s words is that only by actions akin to sticking figs to each other do we require the creation of one mass; gathering stalks in their *mekom giddul* is forbidden, on the other hand, even if one does not tie them as one bundle, as noted above. [↑](#footnote-ref-1)
2. The Ma’aseh Rokeiach has an additional approach, aside from the one cited above, which is more in keeping with the Rambam’s ruling (8:6): “One who gathers figs and the like… because this is not like the other examples of *me’ammer*; here one needs to have intent for the *melakha* in order to make a ring or to make holes in the figs and string them together, because this is skillful work, and there is no logical reason to distinguish” between *mekom giddul* and elsewhere. In other words, this act is considered *melekhet machshevet* and skillful work whether it is done in the *mekom giddul* or not, since it requires intent and attention, and it is not simply the transportation of fruit from one place to another. [↑](#footnote-ref-2)
3. According to this approach, the Torah prohibition of *me’ammer* applies to any case in which one binds a number of plants together by forging a significant connection; according to the explanation of the Mishna Berura cited above, the prohibition applies only to items which are usually strung together in the house, such as figs, but not to other species. There may be a difference between the views in a case in which one joins fruits or vegetables together in one mass with a significant connection, but it is not very common to do this in the house. Yet, this is an uncommon occurrence, as it is rare that one binds fruits or vegetables together in the house in such a manner. [↑](#footnote-ref-3)
4. If one holds a number of fruits in one’s hand, it makes sense that there is no prohibition in this, because there is nothing which truly unites them; they are merely being held temporarily in one’s hand, as explained by the Ketzot ha-Shulchan (Ch. 146, *Baddei ha-Shulchan*, 49:17). Indeed, we will see below that the Rambam (21:11) rules that there is a rabbinic prohibition to use a basket to collect scattered fruits in the yard, lest one come to press them together with one’s hands. This implies that one violates *me’ammer* by using one’s hands alone. However, it is clear that the concern is that one may press the fruits together with one’s hands until they form one mass; there is no problem in the very fact that the fruits are held in one’s hands. [↑](#footnote-ref-4)